

4/13/18

9:45 A.M.

Chapter No. 454  
18/HR26/R92SG  
EH 1 AM

## ***HOUSE BILL NO. 325***

Originated in House  Clerk

HOUSE BILL NO. 325

AN ACT TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTIES FOR THE CRIME OF FAILURE TO HAVE AN INSURANCE CARD; TO AMEND SECTION 63-16-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY MONIES IN EXCESS OF THE AMOUNT NEEDED TO DEFRAY THE EXPENSES AND COSTS OF THE VERIFICATION SYSTEM REMAINING IN THE UNINSURED MOTORIST IDENTIFICATION FUND AT THE END OF A FISCAL YEAR SHALL BE TRANSFERRED TO A SPECIAL FUND CREATED IN THE STATE TREASURY FOR THE PURPOSE OF FUNDING A HIGHWAY PATROL TROOPER SCHOOL; TO CHANGE THE VIOLATION FROM A CIVIL VIOLATION TO A CRIMINAL OFFENSE FOR FAILURE TO HAVE MANDATORY MOTOR VEHICLE LIABILITY INSURANCE; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972, TO CREATE STATE ASSESSMENTS FOR THE UNINSURED MOTORIST IDENTIFICATION FUND; TO BRING FORWARD SECTION 63-16-5, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 63-15-4, Mississippi Code of 1972, is amended as follows:

63-15-4. (1) The following vehicles are exempted from the requirements of this section:

- (a) Motor vehicles exempted by Section 63-15-5;
- (b) Motor vehicles for which a bond or a certificate of deposit of money or securities in at least the minimum amounts

required for proof of financial responsibility is on file with the department;

(c) Motor vehicles that are self-insured under Section 63-15-53; and

(d) Implements of husbandry.

(2) (a) Every motor vehicle operated in this state shall have a motor vehicle liability insurance policy that covers the vehicle and is in compliance with the liability limits required by Section 63-15-3(j). The insured parties shall be responsible for maintaining the insurance on each motor vehicle.

(b) An insurance company issuing a policy of motor vehicle liability insurance as required by this section shall furnish to the insured an insurance card for each motor vehicle at the time the insurance policy becomes effective. The insurance card may be furnished in either paper or electronic format as chosen by the insured. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of electronic device. Beginning on July 1, 2013, insurers shall furnish commercial auto coverage customers with an insurance card clearly marked with the identifier, "Commercial Auto Insurance" or "Fleet" or similar language, to reflect that the vehicle is insured under a commercial auto policy.

(3) Upon stopping a motor vehicle at a roadblock where all passing motorists are checked as a method to enforce traffic laws or upon stopping a motor vehicle for any other statutory

violation, a law enforcement officer, who is authorized to issue traffic citations, shall verify that the insurance card required by this section is in the motor vehicle or is displayed by electronic image on a cellular phone or other type of electronic device. However, no driver shall be stopped or detained solely for the purpose of verifying that the motor vehicle is covered by liability insurance in the amounts required under Section 63-15-3(j) unless the stop is part of such roadblock. If the law enforcement officer uses the verification system created in Section 63-16-3 and receives a response from the system verifying that the owner of the motor vehicle has liability insurance in the amounts required under Section 63-15-3(j), then the officer shall not issue a citation under this section notwithstanding any failure to display an insurance card by the owner or operator.

(4) Failure of the owner or the operator of a motor vehicle to have the insurance card in the motor vehicle, or to display the insurance card by electronic image on a cellular phone or other type of electronic device, is a misdemeanor and, upon conviction, is punishable by a fine of \* \* \* One Hundred Dollars (\$100.00) and suspension of driving privilege for a period of one (1) year or until the owner of the motor vehicle shows proof of liability insurance that is in compliance with the liability limits required by Section 63-15-3(j) and has paid the fines and assessments imposed and the driver's license reinstatement fees imposed by the Department of Public Safety. A judge shall determine whether the

defendant is indigent, and if a determination of indigence is made, shall authorize the reinstatement of that person's driver's license upon proof of mandatory liability insurance subject to compliance with a payment plan for any fines, assessments and/or fees. Fraudulent use of an insurance card shall be punishable in accordance with Section 97-7-10. \* \* \* If such fines are levied in a municipal court, \* \* \* the funds from such fines shall be deposited in the general fund of the municipality. If such fines are levied in any of the courts of the county, \* \* \* the funds from such fines shall be deposited in the general fund of the county. A person convicted of a criminal offense under this subsection (4) shall not be convicted of a \* \* \* criminal offense under Section 63-16-13(1) arising from the same incident.

(5) If, at the hearing date or the date of payment of the fine \* \* \* the owner shows proof that such insurance was in effect at the time of citation, the case shall be dismissed as to the defendant with prejudice and all court costs shall be waived against the defendant.

(6) No law enforcement officer may access any function, feature or other electronic image on a person's cellular phone or other type of electronic device when enforcing the provisions of this section except for the electronic image of an insurance card shown to the officer.

**SECTION 2.** Section 63-16-13, Mississippi Code of 1972, is amended as follows:

63-16-13. (1) If the operator of a motor vehicle being operated on the public roads, streets or highways of the State of Mississippi or registered in the State of Mississippi has been found failing to have motor vehicle liability insurance in at least the minimum amounts required under Section 63-15-3(j), \* \* \* it is a misdemeanor and, upon conviction, is punishable by a fine of One Hundred Dollars (\$100.00) and suspension of driving privilege for a period of one (1) year or until the owner of the motor vehicle shows proof of liability insurance that is in compliance with the liability limits required by Section 63-15-3(j) and has paid the fines and assessments imposed and the driver's license reinstatement fees imposed by the Department of Public Safety. A judge shall determine whether the defendant is indigent, and if a determination of indigence is made, shall authorize the reinstatement of that person's driver's license upon proof of mandatory liability insurance subject to compliance with a payment plan for any fines, assessments and/or fees. If such fines are levied in a municipal court, the funds from such fines shall be deposited in the general fund of the municipality. If such fines are levied in any of the courts of the county, the funds from such fines shall be deposited in the general fund of the county. A person convicted of a \* \* \* criminal offense under this subsection (1) shall not be convicted of a criminal offense under Section 63-15-4(4) arising from the same incident.

(2) (a) There is created in the State Treasury a special fund to be designated as the "Uninsured Motorist Identification Fund." The fund shall consist of monies deposited therein as provided under subsection (1) of this section and monies from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund; however, one-half (1/2) of any monies in excess of the amount needed to defray the expenses and costs of the verification system created under Section 63-16-3 remaining in the fund at the end of a fiscal year shall be transferred to \* \* \* a special fund created in the State Treasury for the purpose of funding a Highway Patrol Trooper School, and one-half (1/2) of any monies in excess of the amount needed to defray the expenses and costs of the verification system created under Section 63-16-3 remaining in the fund at the end of a fiscal year shall be transferred to the Mississippi Trauma Care Systems Fund created under Section 41-59-75.

(b) Monies in the \* \* \* Uninsured Motorist Identification Fund may be used by the Department of Public Safety, upon appropriation by the Legislature, only for the purpose of defraying expenses and costs for the motor vehicle insurance verification system created under Section 63-16-3. In addition, at any time during a fiscal year, if the Department of

Public Safety determines that funds in the Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund created under Section 45-2-1 are insufficient, the department may request the State Fiscal Officer to transfer funds from the Uninsured Motorist Identification Fund. The State Fiscal Officer may make an appropriate transfer if he determines that the funds in the Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund are insufficient and the funds in the Uninsured Motorist Identification Fund will be sufficient for defraying the expenses and costs for the motor vehicle insurance verification system created under Section 63-16-3. Monies in the fund used for the purposes described in this paragraph (b) shall be in addition to other funds available from any other source for such purposes.

**SECTION 3.** Section 99-19-73, Mississippi Code of 1972, is amended as follows:

99-19-73. (1) **Traffic violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation in Title 63, Mississippi Code of 1972, except offenses relating to the Mississippi Implied Consent Law (Section 63-11-1 et seq.) and offenses relating to vehicular parking or registration:

FUND	AMOUNT
State Court Education Fund .....	[Deleted]



State Prosecutor Education Fund ..... [Deleted]

Vulnerable Persons Training,

    Investigation and Prosecution Trust Fund ..... [Deleted]

Child Support Prosecution Trust Fund ..... [Deleted]

Driver Training Penalty Assessment Fund ..... [Deleted]

Law Enforcement Officers Training Fund ..... [Deleted]

Spinal Cord and Head Injury Trust Fund

    (for all moving violations) ..... [Deleted]

Emergency Medical Services Operating Fund ..... [Deleted]

Mississippi Leadership Council on Aging Fund ..... [Deleted]

Law Enforcement Officers and Fire Fighters

    Death Benefits Trust Fund ..... [Deleted]

Law Enforcement Officers and Fire Fighters

    Disability Benefits Trust Fund ..... [Deleted]

State Prosecutor Compensation Fund for the purpose

    of providing additional compensation for

        district attorneys and their legal assistants ..... [Deleted]

Crisis Intervention Mental Health Fund ..... [Deleted]

Drug Court Fund ..... [Deleted]

Judicial Performance Fund ..... [Deleted]

Capital Defense Counsel Fund ..... [Deleted]

Indigent Appeals Fund ..... [Deleted]

Capital Post-Conviction Counsel Fund ..... [Deleted]

Victims of Domestic Violence Fund ..... [Deleted]

Public Defenders Education Fund ..... [Deleted]

Domestic Violence Training Fund .....	[Deleted]
Attorney General's Cyber Crime Unit .....	[Deleted]
Children's Safe Center Fund .....	[Deleted]
DuBard School for Language Disorders Fund .....	[Deleted]
Children's Advocacy Centers Fund .....	[Deleted]
Judicial System Operation Fund .....	[Deleted]
GENERAL FUND .....	\$ 90.50

(2) **Implied Consent Law violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or any other penalty for any violation of the Mississippi Implied Consent Law (Section 63-11-1 et seq.):

FUND	AMOUNT
Crime Victims' Compensation Fund .....	[Deleted]
State Court Education Fund .....	[Deleted]
State Prosecutor Education Fund .....	[Deleted]
Vulnerable Persons Training, Investigation and Prosecution Trust Fund .....	[Deleted]
Child Support Prosecution Trust Fund .....	[Deleted]
Driver Training Penalty Assessment Fund .....	[Deleted]
Law Enforcement Officers Training Fund .....	[Deleted]
Emergency Medical Services Operating Fund .....	[Deleted]
Mississippi Alcohol Safety Education Program Fund .....	[Deleted]
Federal-State Alcohol Program Fund .....	[Deleted]

Mississippi Forensics Laboratory

Implied Consent Law Fund ..... [Deleted]  
Spinal Cord and Head Injury Trust Fund ..... [Deleted]  
Capital Defense Counsel Fund ..... [Deleted]  
Indigent Appeals Fund ..... [Deleted]  
Capital Post-Conviction Counsel Fund ..... [Deleted]  
Victims of Domestic Violence Fund ..... [Deleted]  
Law Enforcement Officers and Fire Fighters

Death Benefits Trust Fund ..... [Deleted]  
Law Enforcement Officers and Fire Fighters

Disability Benefits Trust Fund ..... [Deleted]  
State Prosecutor Compensation Fund for the purpose  
of providing additional compensation for  
district attorneys and their legal assistants ..... [Deleted]  
Crisis Intervention Mental Health Fund ..... [Deleted]  
Drug Court Fund ..... [Deleted]  
Statewide Victims' Information and

Notification System Fund ..... [Deleted]  
Public Defenders Education Fund ..... [Deleted]  
Domestic Violence Training Fund ..... [Deleted]  
Attorney General's Cyber Crime Unit ..... [Deleted]

GENERAL FUND ..... \$ 243.50

(3) **Game and Fish Law violations.** In addition to any  
monetary penalties and any other penalties imposed by law, there  
shall be imposed and collected the following state assessment from

each person upon whom a court imposes a fine or other penalty for any violation of the game and fish statutes or regulations of this state:

FUND	AMOUNT
State Court Education Fund .....	[Deleted]
State Prosecutor Education Fund .....	[Deleted]
Vulnerable Persons Training, Investigation and Prosecution Trust Fund .....	[Deleted]
Law Enforcement Officers Training Fund .....	[Deleted]
Hunter Education and Training Program Fund .....	[Deleted]
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund .....	[Deleted]
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund .....	[Deleted]
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants .....	[Deleted]
Crisis Intervention Mental Health Fund .....	[Deleted]
Drug Court Fund .....	[Deleted]
Capital Defense Counsel Fund .....	[Deleted]
Indigent Appeals Fund .....	[Deleted]
Capital Post-Conviction Counsel Fund .....	[Deleted]
Victims of Domestic Violence Fund .....	[Deleted]
Public Defenders Education Fund .....	[Deleted]
Domestic Violence Training Fund .....	[Deleted]

Attorney General's Cyber Crime Unit ..... [Deleted]

GENERAL FUND ..... \$ 89.00

(4) [Deleted]

(5) **Speeding, reckless and careless driving violations.** In addition to any assessment imposed under subsection (1) or (2) of this section, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for driving a vehicle on a road or highway:

(a) At a speed that exceeds the posted speed limit by at least ten (10) miles per hour but not more than twenty (20) miles per hour ..... \$10.00

(b) At a speed that exceeds the posted speed limit by at least twenty (20) miles per hour but not more than thirty (30) miles per hour ..... \$20.00

(c) At a speed that exceeds the posted speed limit by thirty (30) miles per hour or more ..... \$30.00

(d) In violation of Section 63-3-1201, which is the offense of reckless driving ..... \$10.00

(e) In violation of Section 63-3-1213, which is the offense of careless driving ..... \$10.00

All assessments collected under this subsection shall be deposited into the State General Fund.

(6) **Other misdemeanors.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each

person upon whom a court imposes a fine or other penalty for any misdemeanor violation not specified in subsection (1), (2) or (3) of this section, except offenses relating to vehicular parking or registration:

FUND	AMOUNT
Crime Victims' Compensation Fund .....	[Deleted]
State Court Education Fund .....	[Deleted]
State Prosecutor Education Fund .....	[Deleted]
Vulnerable Persons Training, Investigation and Prosecution Trust Fund .....	[Deleted]
Child Support Prosecution Trust Fund .....	[Deleted]
Law Enforcement Officers Training Fund .....	[Deleted]
Capital Defense Counsel Fund .....	[Deleted]
Indigent Appeals Fund .....	[Deleted]
Capital Post-Conviction Counsel Fund .....	[Deleted]
Victims of Domestic Violence Fund .....	[Deleted]
State Crime Stoppers Fund .....	[Deleted]
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund .....	[Deleted]
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund .....	[Deleted]
State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants .....	[Deleted]
Crisis Intervention Mental Health Fund .....	[Deleted]

Drug Court Fund ..... [Deleted]  
Judicial Performance Fund ..... [Deleted]  
Statewide Victims' Information and  
Notification System Fund ..... [Deleted]  
Public Defenders Education Fund ..... [Deleted]  
Domestic Violence Training Fund ..... [Deleted]  
Attorney General's Cyber Crime Unit ..... [Deleted]  
Information Exchange Network Fund ..... [Deleted]  
Motorcycle Officer Training Fund ..... [Deleted]  
Civil Legal Assistance Fund ..... [Deleted]  
Justice Court Collections Fund ..... [Deleted]  
Municipal Court Collections Fund ..... [Deleted]  
GENERAL FUND ..... \$121.75

(7) **Other felonies.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any felony violation not specified in subsection (1), (2) or (3) of this section:

FUND	AMOUNT
Crime Victims' Compensation Fund .....	[Deleted]
State Court Education Fund .....	[Deleted]
State Prosecutor Education Fund .....	[Deleted]
Vulnerable Persons Training, Investigation and Prosecution Trust Fund .....	[Deleted]

Child Support Prosecution Trust Fund ..... [Deleted]  
 Law Enforcement Officers Training Fund ..... [Deleted]  
 Capital Defense Counsel Fund ..... [Deleted]  
 Indigent Appeals Fund ..... [Deleted]  
 Capital Post-Conviction Counsel Fund ..... [Deleted]  
 Victims of Domestic Violence Fund ..... [Deleted]  
 Criminal Justice Fund ..... [Deleted]  
 Law Enforcement Officers and Fire Fighters  
     Death Benefits Trust Fund ..... [Deleted]  
 Law Enforcement Officers and Fire Fighters  
     Disability Benefits Trust Fund ..... [Deleted]  
 State Prosecutor Compensation Fund for the purpose  
     of providing additional compensation for  
     district attorneys and their legal assistants ..... [Deleted]  
 Crisis Intervention Mental Health Fund ..... [Deleted]  
 Drug Court Fund ..... [Deleted]  
 Statewide Victims' Information and  
     Notification System Fund ..... [Deleted]  
 Public Defenders Education Fund ..... [Deleted]  
 Domestic Violence Training Fund ..... [Deleted]  
 Attorney General's Cyber Crime Unit ..... [Deleted]  
 Forensics Laboratory DNA Identification System Fund ..... [Deleted]  
 GENERAL FUND ..... \$280.50

(8) **Additional assessments on certain violations:**



(a) **Railroad crossing violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation involving railroad crossings under Section 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

Operation Lifesaver Fund ..... \$25.00

(b) **Drug violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section 41-29-139:

Drug Evidence Disposition Fund ..... \$25.00

(c) **Motor vehicle liability insurance violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section 63-15-4(4) or Section 63-16-13(1):

Uninsured Motorist Identification Fund:

First offense.....\$200.00

Second offense.....\$300.00

Third or subsequent offense.....\$400.00

(9) If a fine or other penalty imposed is suspended, in whole or in part, such suspension shall not affect the state assessment under this section. No state assessment imposed under the provisions of this section may be suspended or reduced by the court.

(10) (a) After a determination by the court of the amount due, it shall be the duty of the clerk of the court to promptly collect all state assessments imposed under the provisions of this section. The state assessments imposed under the provisions of this section may not be paid by personal check.

(b) It shall be the duty of the chancery clerk of each county to deposit all state assessments collected in the circuit, county and justice courts in the county on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The chancery clerk shall make a monthly lump-sum deposit of the total state assessments collected in the circuit, county and justice courts in the county under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the circuit, county and justice courts in the county during that month.

(c) It shall be the duty of the municipal clerk of each municipality to deposit all the state assessments collected in the

municipal court in the municipality on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The municipal clerk shall make a monthly lump-sum deposit of the total state assessments collected in the municipal court in the municipality under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the municipal court in the municipality during that month.

(11) It shall be the duty of the Department of Finance and Administration to deposit on a monthly basis all state assessments into the State General Fund or proper special fund in the State Treasury. The Department of Finance and Administration shall issue regulations providing for the proper allocation of these funds.

(12) The State Auditor shall establish by regulation procedures for refunds of state assessments, including refunds associated with assessments imposed before July 1, 1990, and refunds after appeals in which the defendant's conviction is reversed. The Auditor shall provide in the regulations for certification of eligibility for refunds and may require the defendant seeking a refund to submit a verified copy of a court order or abstract by which the defendant is entitled to a refund. All refunds of state assessments shall be made in accordance with the procedures established by the Auditor.

**SECTION 4.** Section 63-16-5, Mississippi Code of 1972, is brought forward as follows:

63-16-5. (1) A law enforcement officer or authorized employee of a law enforcement agency may, during the course of a traffic stop or accident investigation, access the verification system established under Section 63-16-3 to verify whether a motor vehicle is covered by a valid motor vehicle liability policy in at least the minimum amounts required under Section 63-15-3(j).

(2) The response received from the system supersedes an insurance card produced by a motor vehicle operator, and notwithstanding the display of an insurance card by the operator, the law enforcement officer may issue a complaint and notice to appear to the operator for a violation of the Mississippi Motor Vehicle Safety-Responsibility Law. A law enforcement officer may exercise discretion in issuing a citation during the first sixty (60) days after proof of temporary insurance is issued by an insurance company, if the verification system shows that the insured's policy is expired and the operator provides proof of insurance with a new insurance company or a new insurance card.

(3) Except upon reasonable cause to believe that a driver has violated another traffic regulation or that the driver's motor vehicle is unsafe or not equipped as required by law, a law enforcement officer may not use the verification system to stop a driver for operating a motor vehicle in violation of this chapter.

**SECTION 5.** This act shall take effect and be in force from and after its passage.

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 26, 2018

*Philip Gorman*

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 26, 2018

*Late Reeve*

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

*Phil Bryant*

GOVERNOR

*April 13, 2018*  
*9:45 am*